

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

NOVEMBER 19, 2007

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **November 19, 2007** in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite, Butte, Montana by Chief Executive Paul Babb.

ROLL CALL

11 present, 1 absent. Commissioner Fay was excused.

PRAYER

Commissioners were led in prayer by Commissioner Coleman.

APPROVAL OF THE MINUTES OF THE NOVEMBER 7, 2007 MEETING

It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a verbal unanimous vote to approve the Minutes of the November 7, 2007 Regular Meeting.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

None

CHIEF EXECUTIVE'S REPORT

Chief Executive Babb announced that he will be meeting with the aquatics committee on November 27th at 5PM at the Library. He invited everyone to attend if they are interested

The Capital Improvements Committee met today. We discussed what we are going to put before the lobbyist.

SECTION I

CONSENT AGENDA

- A.
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 - 3. JUDICIARY COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B.

COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregations or “friendly amendments”. There was no response. **It was then moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 4 and Section B, Items 1 through 9.**

SECTION II

COMMUNICATIONS TO BE READ AND ACTED UPON

1. 07-732 Guy Ossello, President the James Company, requesting approval to complete demolition of Longfellow School.

Guy Ossello, 3000 Kossuth, came to the microphone and stated that on November 6th, 2007 he had purchased the Longfellow School from the School District and on November 6th we started demolition. We did receive a valid demolition permit from the county. Late that day John Harrington notified Smith Contracting that he would have to cease all demolition due the fact that the permit did not go through the Historic Preservation Committee. We were unaware of that situation. That building was abated by Ingraham and Environmental prior to demolition. He stated that the issue he faces now is the liability with that building since it is only 25% down. He asks Council to approve the continuation of the demolition therefore reducing his liability for the building.

Chief Executive Babb then called on Rick Larson of the Health Department to give a staff report. The Longfellow School was closed in 2001 and since that time it has fallen into disrepair. There are leaks in the roof. There has been some vandalism. There has been some graffiti and other things. We do know that there is asbestos in the building. Once you start demolition of that building you either have to follow through with the demolition of the building or you have to abate the building for asbestos which is very expensive.

Several commissioners gave their opinion of this request. **It was moved by Commissioner Frasz, seconded by Commissioner Coleman and carried with a roll call vote of 8 yeas, 3 nays and 1 absent to amend the recommendation of the Historic Preservation Committee to read as follows: The current owner of the Longfellow School may do anything they wish with their Nationally Registered Listed property provided that no federal license permit or funding is involved. Commissioners Shaw, Sheehy and O’Leary voted nay.**

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried with a unanimous verbal vote to place Communication No. 07-732 be placed on file.

SECTION III

**ORDINANCES AND RESOLUTIONS –
REFERRED TO JUDICIARY**

1. COUNCIL RESOLUTION NO. 07-99

A RESOLUTION APPROVING AN OPTION TO PURCHASE PROVISION SET FORTH IN THAT LEASE AGREEMENT BETWEEN THE CITY-COUNTY OF BUTTE-SILVER BOW AND MSE TECHNOLOGIES, INC. ENTERED INTO ON FEBRUARY 13, 2001; AUTHORIZING THE SALE OF THAT CERTAIN PROPERTY NAMED IN THE LEASE AGREEMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION IV ORDINANCES AND RESOLUTIONS –
SECOND READING**

**1. COUNCIL BILL NO. 07-21
ORDINANCE NO. 07-21**

AN ORDINANCE AMENDING CHAPTER 2.14 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “LAND DIVISION”; AMENDING SECTIONS 2.14.010, 2.14.020, 2.14.030, 2.14.040, 2.14.060 AND 2.14.070, B-SB MC; CREATING A LAND RECORDS DEPARTMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Bill No. 07-21, Ordinance No. 07-21 on second reading and passed having been deemed fully read at length.**

**SECTION V ORDINANCES & RESOLUTIONS –
FINAL READING**

**1. COUNCIL BILL NO. 07-19
ORDINANCE NO. 07-19**

AN ORDINANCE CREATING A NEW CHAPTER IN THE BUTTE-SILVER BOW MUNICIPAL CODE TO BE NUMBERED CHAPTER 2.53 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) AND ENTITLED “BUTTE-SILVER BOW CEMETERY”; PROVIDING FOR THE CITY AND COUNTY OF BUTTE-SILVER BOW TO OPERATE AND MANAGE THE SUNSET SILVER BOW CEMETERY PURSUANT TO SECTION 7-35-2201, MCA 2005; PROVIDING FOR THE SUNSET SILVER BOW CEMETERY TO BE RENAMED THE BUTTE-SILVER BOW CEMETERY; PROVIDING FOR THE BUTTE-SILVER BOW CEMETERY TO BE OPERATED UNDER THE PUBLIC WORKS DEPARTMENT AND SETTING FORTH THE DUTIES AND FUNCTION FOR THE OPERATION OF THE CEMETERY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried with a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Bill No. 07-19, Ordinance No. 07-19 on final reading and passed having been deemed fully read at length.**

2.

**COUNCIL BILL NO. 07-20
ORDINANCE NO. 07-20**

AN ORDINANCE AMENDING CHAPTER 2.08 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "LOCAL GOVERNMENT EMPLOYEES"; AMENDING SECTION 2.08.070; INCREASING THE FEE FOR MEALS FOR TRAVEL FOR EMPLOYEES OF BUTTE-SILVER BOW AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yes, 0 nays and 1 absent to place Council Bill No. 07-20, Ordinance No. 07-20 on final reading and passed having been deemed fully read at length.**

2.

COUNCIL RESOLUTION NO. 07-97

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE AMENDED PLAT OF LOT 5 IN BLOCK 10 OF THE HILLCREST ADDITION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O'Leary, seconded by Commissioner Lee and passed by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Resolution No. 07-97 on final reading and passed having been deemed fully read at length.**

ADJOURN

There being no further business to come before the Council, it was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to Rise to the Call of the Chair. The meeting adjourned at 8:15 PM.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER